THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 6654 of 2007

Date: 03.04.2007

Between:

M. Venkateswarlu.

.... PETITIONER

AND

The Depot Manager, APSRTC, Mahabubnagar Depot,
Mahabunagar District and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 6654 of 2007

ORDER:

The petitioner was worked as driver with the respondents-APSRTC. While discharging his duties as driver at Mahabubnagar Depot, he was retired from service on medical grounds, vide order dated 26-06-2006. Thereafter, he made a representation dated 10-03-2007 to the respondents to provide alternative employment as per Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1 of 1995 (for short 'the Act'), but no orders thereon have been passed. Hence, he filed the present writ petition.

2. Learned counsel for the petitioner submitted that in terms of Section 47 of the Act, the respondents are under an obligation to provide alternative employment and placed reliance on the judgment of this Court in ***N.Siva Kumar Vs. APSRTC, Musheerabad*** and others[1].

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSRTC.

4. This Court in ***N.Siva Kumar's case*** considered similar issue and directed the authorities to consider the case of the employee in the light of the provisions of the Act for alternative employment. The relevant portion reads as under;

> "Having regard to the fact that a right has been conferred upon the appellant herein under a statute, although the

> question raised herein has not been raised before the learned single Judge, we, in modification of the order passed by the learned single Judge, direct the appellant herein to file a representation, if not already filed, before the appropriate authority seeking the relief prayed for in this appeal, and on receipt of such a representation, the appropriate authority may consider the case of the appellant in the light of the aforementioned provisions and the decisions referred to hereinbefore, and pass an appropriate order at an early date, preferably within a period of four (4) weeks from the date of communication of this order."

5. In the present case, the representation dated 10.03.2007 made by the petitioner seeking alternative employment as per Section 47 of the Act is said to be pending consideration before the respondents. Hence, I deem it appropriate to dispose of the writ petition directing the respondents to consider the representation of the petitioner dated 10.03.2004 and pass appropriate speaking orders in accordance with law particularly in the light of Section 47 of the Act, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of copy of this order.

With the above direction, the writ petition is disposed of.

No costs.

_____

N.V. RAMANA, J.

Date: 03.04.2007

sj

[1] 2001 (3) ALD 166 (DB)